

# **State of Missouri**



## **Public Defender Commission Annual Report Fiscal Year 1998**

**Assuring the Public Defense**

**The Right to Counsel and the State Public Defender System in Missouri**

J. Marty Robinson  
State Public Defender, Director

Kathleen L. Jones  
Comptroller/Legislative Liaison

September 30, 1998



# Missouri State Public Defender System

## Director's Office

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### MEMORANDUM

TO: Governor Carnahan  
Chief Justice Benton  
Members of the General Assembly  
Presiding Judges

FROM: J. Marty Robinson, Director; and   
Members of the State Public Defender Commission

DATE: September 29, 1998

RE: Fiscal Year 1998 Annual Report

It is our privilege and great pleasure to present to you this Annual Report of the Missouri State Public Defender System for the fiscal year ended June 30, 1998.

The respite from increasing caseloads our Department enjoyed in FY97 was short-lived. Public Defender caseloads statewide were up in FY98, very close to the projected 8% increase. Total assignments in FY98 were 76,462 cases, up 5,619 for an increase of 7.93% over FY97. Case dispositions of 74,495 were up 9.76% from the 67,870 dispositions of FY97. Our disposition rate of 97.43% is up from the 95.8% of FY97, but still below the 100% rate we strive to achieve.

The statewide distribution of caseloads in FY98 is particularly interesting. While dispositions statewide are up and up considerably in many rural offices, public defender caseloads are actually down in metropolitan offices (Kansas City and St. Louis).

This year's Annual Report has again incorporated caseload on a county by county basis. Since most public defender offices are in multi-county districts, this section allows the reader to see at a glance caseload trends in any jurisdiction.

This year the Missouri Public Defender Commission and the Office of State Public Defender will continue to give a high priority to securing adequate, efficient office facilities in all public defender offices. Large caseload increases in rural public defender offices will necessitate increased staffing, further stressing the need for office space in many local offices. We are again proposing and recommending a change to RSMo 600.040.1 that would make office rent of local public defender offices a state obligation, rather than a county obligation. This change would give this Department the ability to provide adequate, efficient physical plants for all public defender offices.

We hope you find this annual report informative, interesting and useful in understanding our integral role in Missouri's criminal justice system. Fiscal Year '98 was a successful year for Missouri's Public Defenders, providing the best possible indigent defense system within the limits of our funding. We look forward to reporting to you again next year with an even more successful FY99.



# **Public Defender Commission**

## **Annual Report – Fiscal Year 1998**

### **I. The Public Defender System**

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization have a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This is accomplished through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

Until 1989 defense services in many parts of the state, usually rural areas, were provided by private attorneys who had contracted with Missouri's Public Defender System to provide such services to the indigent accused. In fiscal 1990 and 1991, the Missouri State Public Defender System was reorganized and the contract system of providing services was eliminated. Contract counsel were replaced by State Public Defender district offices, which are capable of providing services to each judicial jurisdiction of the state.

Today, the Missouri State Public Defender is organized into three legal service divisions, which include The Trial, Appellate, and Capital Divisions. The Trial Division (a map detailing the trial district offices can be found at the end of this report) provided legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at the trial level where the death penalty is being sought, has offices in Kansas City, St. Louis, and Columbia.

Every attorney in the Public Defender system handles cases representing Missouri's indigent accused of crimes. Management has been reduced to a minimum in order to maximize efficient use of the state's resources.

## **Mission Statement**

*The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.*

*The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not comprised.*

*To provide this uncompromised advocacy, the Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.*

## **II. What Does a Public Defender Do?**

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originates. After an accused makes application for public defender services, the defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused by appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused included representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file required motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty.

Using data from fiscal year 1998, a composite example of a "typical defender" can be developed. The "typical defender" will close 255 cases in the course of one year. This means the defender must dispose of an average of one case each workday to insure successful management of the cases he is assigned. Approximately, 105 of the cases assigned to the "typical defender" in a year are felonies. The breakdown by category of cases handled by the "typical defender" is presented on the following page.



FY98 State Public Defender System-Wide Composite Public Defender	
Description	# of Cases
Homicide	1
A-B Felony	21
C-D Felony	84
Misdemeanor	83
Juvenile	14
Post Conviction Relief	2
Probation Violations	47
Appeals	3
Total Average Case Per System Attorney	255

Given the workload of our "typical defender," the demand on attorney time is greater than ever. The average Public Defender provides representation in 255 cases each year; more than one per day every work day of every week for the entire year. Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys.

Recent salary increases have greatly improved attorney retention. Attorney turnover has been reduced from 20% per year to just 8%. The more experienced and better trained public defenders have been able to handle higher, more complex caseloads.



### III. Caseload and Cost Highlights

#### A. Caseload

##### 1. New Cases

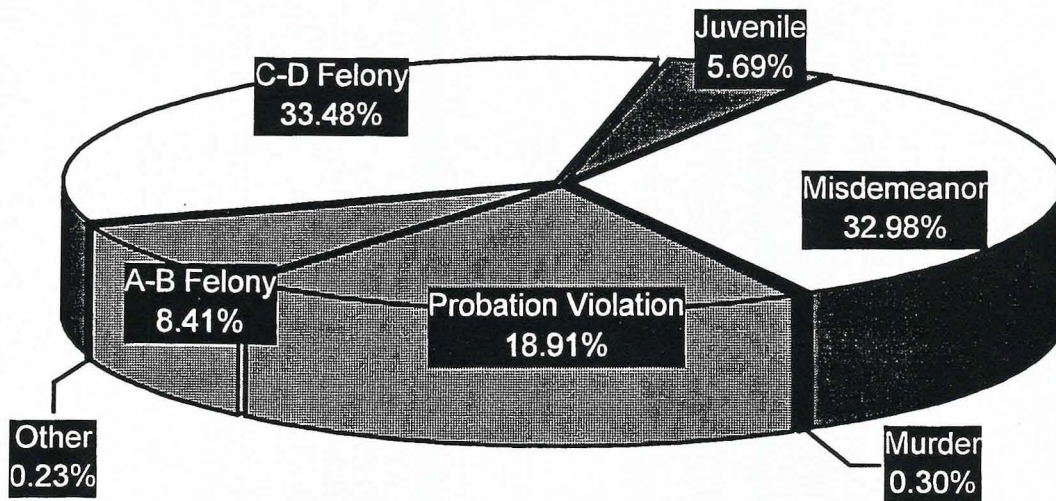
The State Public Defender System's Trial Division opened 74,710 new cases in Fiscal year 1998. The greatest numbers of cases are reflected in the felony and misdemeanor caseloads.

Felony Cases Opened	31,518 or 42.2% of the total caseload
Misdemeanor Cases Opened	24,635 or 33.0% of the total caseload
Juvenile Cases Opened	4,250 or 5.7% of the total caseload

FY98 Trial Division Opened Cases by Case Type		
	Description	# of Cases Represented
10	Murder – Death Penalty	7
15	Murder – 1 <sup>st</sup> Degree	135
20	Other Homicide	84
30	A-B Felony	6,280
35	C-D Felony	25,012
40	Misdemeanor	18,462
45	Misdemeanor – Traffic	6,176
50	Juvenile – Status	675
52	Juvenile – Criminal	3,575
54	Post Conviction Relief – Rule 24	8
59	Post Conviction Relief – Rule 29	4
60	Chapter 552	122
65	Probation Violation	14,129
75	Writ	16
80	Appeal	13
82	Direct Appeal	12
	Total Trial Division Assignments	74,710



**FY98 - Trial Division  
Opened Cases by Case Type**





**TRIAL DIVISION CASE ASSIGNMENTS  
FISCAL YEAR COMPARISONS  
BY DISTRICT**

<i>District #</i>	<i>District Name</i>	<i>FY96 Cases Assigned</i>	<i>FY97 Cases Assigned</i>	<i># Change 96 to 97</i>	<i>% Change 96 to 97</i>	<i>FY98 Cases Assigned</i>	<i># Change 97 to 98</i>	<i>% Change 97 to 98</i>	<i># Change 96 to 98</i>	<i>% Change 96 to 98</i>
1	St. Louis Juvenile	0	1,624	1,624	*	1,626	2	0.12%	1,626	*
2	Kirksville	386	383	(3)	-0.78%	376	(7)	-1.83%	(10)	-2.59%
4	Maryville	528	536	8	1.52%	617	81	15.11%	89	16.86%
5	St. Joseph	1,915	1,507	(408)	-21.31%	2,071	564	37.43%	156	8.15%
7	Liberty	2,189	2,143	(46)	-2.10%	2,790	647	30.19%	601	27.46%
10	Hannibal	846	896	50	5.91%	1,129	233	26.00%	283	33.45%
11	St. Charles	1,657	1,751	94	5.67%	2,085	334	19.07%	428	25.83%
12	Fulton	1,421	1,681	260	18.30%	1,667	(14)	-0.83%	246	17.31%
13	Columbia	2,902	2,516	(386)	-13.30%	3,598	1,082	43.00%	696	23.98%
14	Moberly	1,004	931	(73)	-7.27%	1,122	191	20.52%	118	11.75%
15	Sedalia	1,734	1,728	(6)	-0.35%	1,921	193	11.17%	187	10.78%
16	Kansas City	9,073	9,969	896	9.88%	9,496	(473)	-4.74%	423	4.66%
17	Harrisonville	1,739	2,053	314	18.06%	2,784	731	35.61%	1,045	60.09%
19	Jefferson City	1,099	1,026	(73)	-6.64%	1,287	261	25.44%	188	17.11%
20	Union	910	1,185	275	30.22%	1,331	146	12.32%	421	46.26%
21	St. Louis County	5,375	5,048	(327)	-6.08%	4,333	(715)	-14.16%	(1,042)	-19.39%
22	St. Louis City	9,803	8,282	(1,521)	-15.52%	7,745	(537)	-6.48%	(2,058)	-20.99%
23	Hillsboro	1,268	1,435	167	13.17%	1,269	(166)	-11.57%	1	0.08%
24	Farmington	1,516	1,634	118	7.78%	1,575	(59)	-3.61%	59	3.89%
25	Rolla	2,198	1,877	(321)	-14.60%	2,147	270	14.38%	(51)	-2.32%
26	Lebanon	1,405	1,501	96	6.83%	1,906	405	26.98%	501	35.66%
28	Nevada	799	812	13	1.63%	905	93	11.45%	106	13.27%
29	Carthage	3,498	3,351	(147)	-4.20%	3,713	362	10.80%	215	6.15%
30	Buffalo	913	1,032	119	13.03%	1,171	139	13.47%	258	28.26%
31	Springfield	2,242	2,584	342	15.25%	2,536	(48)	-1.86%	294	13.11%
32	Cape Girardeau	2,275	2,077	(198)	-8.70%	2,459	382	18.39%	184	8.09%
34	Caruthersville	977	556	(421)	-43.09%	1,106	550	98.92%	129	13.20%
35	Kennett	1,198	1,477	279	23.29%	1,265	(212)	-14.35%	67	5.59%
36	Poplar Bluff	1,481	1,350	(131)	-8.85%	1,579	229	16.96%	98	6.62%
37	West Plains	545	557	12	2.20%	656	99	17.77%	111	20.37%
39	Monett	1,586	1,595	9	0.57%	1,905	310	19.44%	319	20.11%
43	Chillicothe	1,462	1,728	266	18.19%	1,945	217	12.56%	483	33.04%
44	Ava	460	543	83	18.04%	616	73	13.44%	156	33.91%
45	Troy	578	676	98	16.96%	777	101	14.94%	199	34.43%
47	Springfield Conflicts	511	350	(161)	-31.51%	441	91	26.00%	(70)	-13.70%
49	St. Louis City Conflict	866	838	(28)	-3.23%	761	(77)	-9.19%	(105)	-12.12%
<b>Total Trial Division Assignments</b>		<b>68,359</b>	<b>69,232</b>	<b>873</b>	<b>1.28%</b>	<b>74,710</b>	<b>5,478</b>	<b>7.91%</b>	<b>6,351</b>	<b>9.29%</b>
		<b>FY96</b>		<b>FY97</b>			<b>FY98</b>		<b>FY96 to FY98</b>	



FY98 CONFLICT ASSIGNMENTS by Case Type		
	Description	# of Cases Assigned
10	Murder – Death Penalty	13
15	Murder – 1 <sup>st</sup> Degree	6
20	Other Homicide	3
30	A-B Felony	89
35	C-D Felony	210
40	Misdemeanor	38
52	Juvenile – Criminal	20
54	Post Conviction Relief – Rule 24	4
59	Post Conviction Relief – Rule 29	19
60	Chapter 552	0
65	Probation Violation	12
80	Appeal	14
	Total Conflict Assignments	428

**FY98 APPELLATE DIVISION CASELOAD**  
**Cases Opened and Closed**

	Central Office Columbia	Eastern Office St. Louis City	Western Office Kansas City	Totals
Direct Appeals				
Opened	220	107	97	404
Closed	253	232	117	602
Murder 1 <sup>st</sup> Appeals				
Opened	10	2	3	15
Closed	29	0	2	31
PCR Appeals				
Opened	97	54	75	226
Closed	176	40	81	297
29.15 Hearings				
Opened	79	79	65	223
Closed	50	52	20	122
24.035 Hearings				
Opened	176	110	130	416
Closed	186	96	122	404
Appellate Division Totals				
Opened	562	352	370	1,284
Closed	694	420	342	1,456

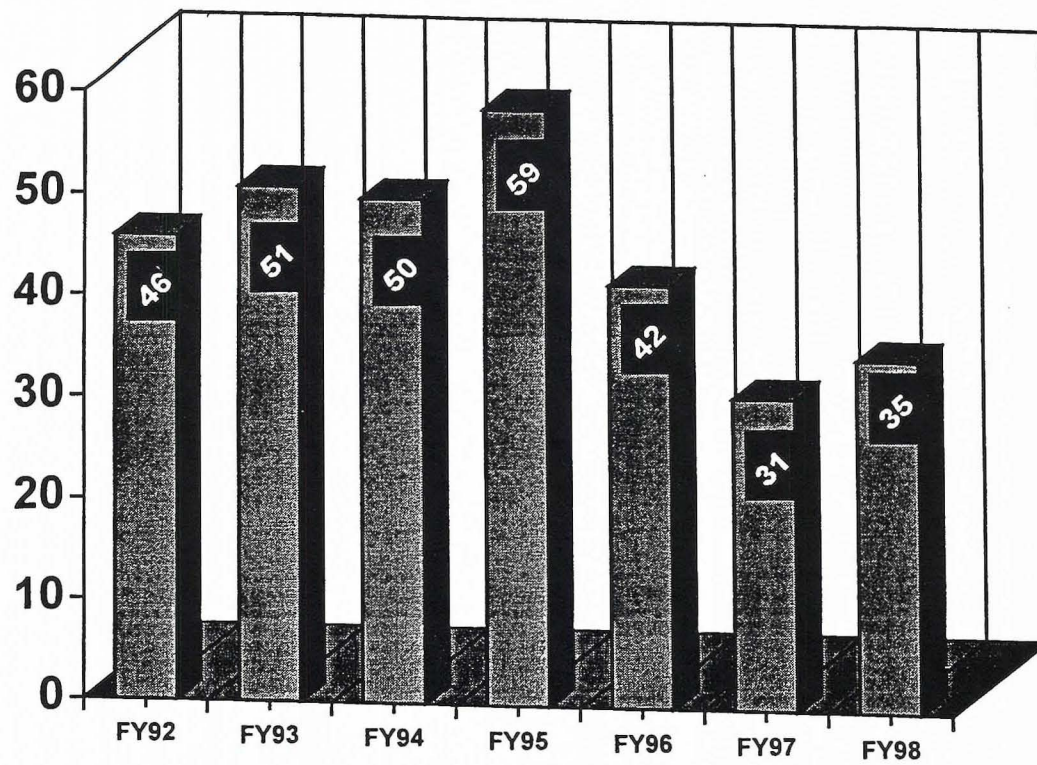


FY98 CAPITAL DIVISION Cases Opened and Closed DEATH PENALTY CASELOAD			
	Opened	Closed	Current Caseload
Central Office – Columbia	15	17	18
Eastern Office – St. Louis City	13	12	26
Western Office – Kansas City	7	6	7
Total Death Penalty Cases	35	35	51

FY98 CAPITAL DIVISION Cases Opened and Closed DEATH PENALTY - DIRECT APPEALS			
	Opened	Closed	Current Caseload
Central Office – Columbia	1	1	3
Eastern Office – St. Louis City	2	0	3
Western Office – Kansas City	2	0	4
Total Death Penalty Cases	5	1	10

The Direct Appeals of Death Penalty Cases was transferred to the Capital Division in October of 1997. These numbers represent the additional cases assigned to the staff after the transfer. In addition to the Direct Appeals, this staff helps the Capital Division Trial staff in trial preparation.

## Number of Death Penalty Cases



Fiscal Years



## **2. Cases Closed**

The State Public Defender System's Trial Division closed 73,003 cases in Fiscal Year 1998. This is more than double the number of closed cases since 1984 when the State Public Defender System closed 31,730 cases.

<b>FY98 Trial Division Closed Cases by Case Type</b>		
	<b>Description</b>	<b># of Cases Represented</b>
10	Murder – Death Penalty	8
15	Murder – 1 <sup>st</sup> Degree	149
20	Other Homicide	87
30	A-B Felony	6,211
35	C-D Felony	24,666
40	Misdemeanor	18,191
45	Misdemeanor – Traffic	5,875
50	Juvenile – Status	762
52	Juvenile – Criminal	3,307
54	Post Conviction Relief – Rule 24	9
59	Post Conviction Relief – Rule 29	5
60	Chapter 552	106
65	Probation Violation	13,575
75	Writ	17
80	Appeal	19
82	Direct Appeal	16
	<b>Total Trial Division Closed Cases</b>	<b>73,003</b>

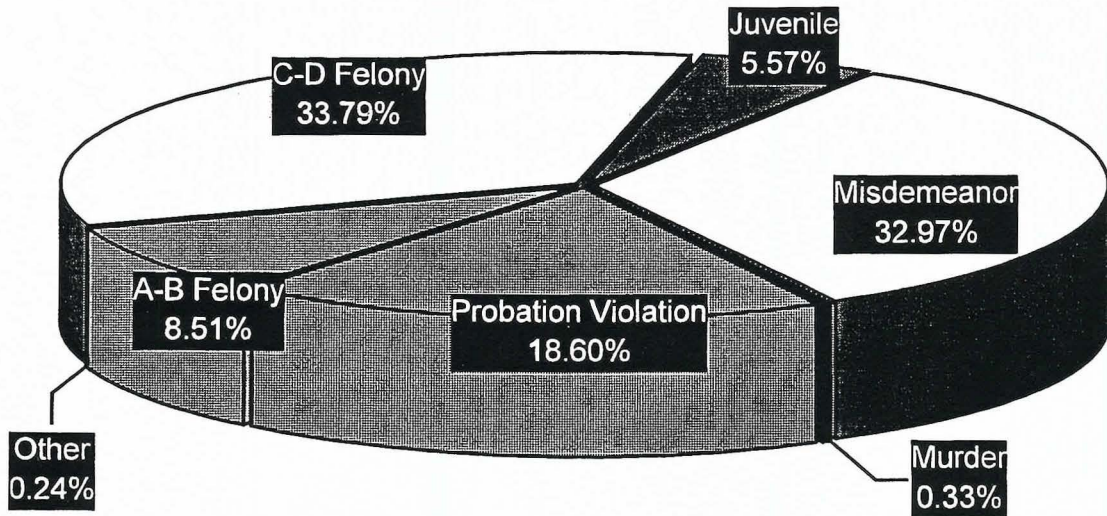


**TRIAL DIVISION CASE DISPOSITIONS  
FISCAL YEAR COMPARISONS  
BY DISTRICT**

<i>District #</i>	<i>District Name</i>	<i>FY96 Cases Disposed</i>	<i>FY97 Cases Disposed</i>	<i># Change 96 to 97</i>	<i>% Change 96 to 97</i>	<i>FY98 Cases Disposed</i>	<i># Change 97 to 98</i>	<i>% Change 97 to 98</i>	<i># Change 96 to 98</i>	<i>% Change 96 to 98</i>
1	St. Louis Juvenile	0	1,880	1,880	*	1,445	(435)	-23.14%	1,445	*
2	Kirkville	380	416	36	9.47%	351	(65)	-15.63%	(29)	-7.63%
4	Maryville	496	529	33	6.65%	586	57	10.78%	90	18.15%
5	St. Joseph	2,055	1,625	(430)	-20.92%	1,903	278	17.11%	(152)	-7.40%
7	Liberty	2,081	2,065	(16)	-0.77%	2,634	569	27.55%	553	26.57%
10	Hannibal	812	854	42	5.17%	1,156	302	35.36%	344	42.36%
11	St. Charles	1,581	1,869	288	18.22%	2,033	164	8.77%	452	28.59%
12	Fulton	1,406	1,679	273	19.42%	1,703	24	1.43%	297	21.12%
13	Columbia	2,964	1,874	(1,090)	-36.77%	3,187	1,313	70.06%	223	7.52%
14	Moberly	957	653	(304)	-31.77%	1,015	362	55.44%	58	6.06%
15	Sedalia	1,714	1,753	39	2.28%	1,696	(57)	-3.25%	(18)	-1.05%
16	Kansas City	8,611	9,054	443	5.14%	8,572	(482)	-5.32%	(39)	-0.45%
17	Harrisonville	1,652	2,034	382	23.12%	2,600	566	27.83%	948	57.38%
19	Jefferson City	1,097	797	(300)	-27.35%	1,163	366	45.92%	66	6.02%
20	Union	977	1,355	378	38.69%	1,241	(114)	-8.41%	264	27.02%
21	St. Louis County	6,753	4,680	(2,073)	-30.70%	4,054	(626)	-13.38%	(2,699)	-39.97%
22	St. Louis City	10,587	8,572	(2,015)	-19.03%	8,322	(250)	-2.92%	(2,265)	-21.39%
23	Hillsboro	1,284	1,404	120	9.35%	1,241	(163)	-11.61%	(43)	-3.35%
24	Farmington	1356	1,657	301	22.20%	1,533	(124)	-7.48%	177	13.05%
25	Rolla	2121	2,040	(81)	-3.82%	1,984	(56)	-2.75%	(137)	-6.46%
26	Lebanon	1378	1,470	92	6.68%	1,755	285	19.39%	377	27.36%
28	Nevada	724	805	81	11.19%	960	155	19.25%	236	32.60%
29	Carthage	3495	3,214	(281)	-8.04%	3,540	326	10.14%	45	1.29%
30	Buffalo	836	971	135	16.15%	1,189	218	22.45%	353	42.22%
31	Springfield	2194	2,585	391	17.82%	2,447	(138)	-5.34%	253	11.53%
32	Cape Girardeau	2223	1,757	(466)	-20.96%	2,544	787	44.79%	321	14.44%
34	Caruthersville	1038	521	(517)	-49.81%	1,275	754	144.72%	237	22.83%
35	Kennett	1204	1,333	129	10.71%	1,542	209	15.68%	338	28.07%
36	Poplar Bluff	872	1,040	168	19.27%	2,625	1,585	152.40%	1,753	201.03%
37	West Plains	584	534	(50)	-8.56%	663	129	24.16%	79	13.53%
39	Monett	1595	1,623	28	1.76%	1,724	101	6.22%	129	8.09%
43	Chillicothe	1389	1,705	316	22.75%	1,784	79	4.63%	395	28.44%
44	Ava	443	541	98	22.12%	547	6	1.11%	104	23.48%
45	Troy	512	658	146	28.52%	667	9	1.37%	155	30.27%
47	Springfield Conflicts	688	291	(397)	-57.70%	498	207	71.13%	(190)	-27.62%
49	St. Louis City Conflict	863	772	(91)	-10.54%	824	52	6.74%	(39)	-4.52%
<b>Total Trial Division Dispositions</b>		<b>68,922</b>	<b>66,610</b>	<b>(2,312)</b>	<b>-3.35%</b>	<b>73,003</b>	<b>6,393</b>	<b>9.60%</b>	<b>4,081</b>	<b>5.92%</b>
		<b>FY96</b>		<b>FY97</b>		<b>FY98</b>		<b>FY96 to FY98</b>		



**FY98 - Trial Division  
Closed Cases by Case Type**

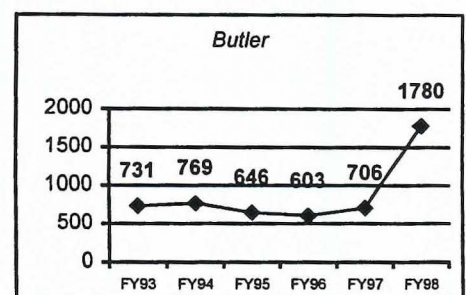
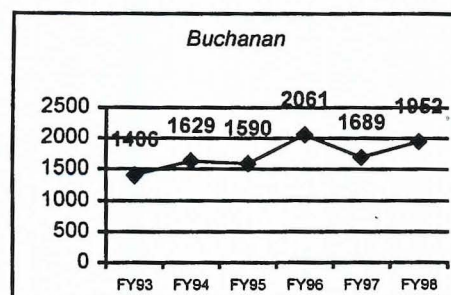
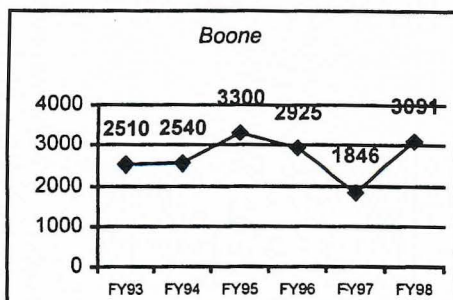
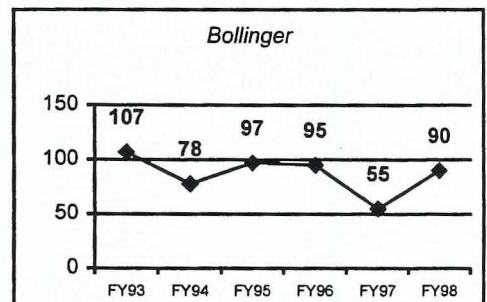
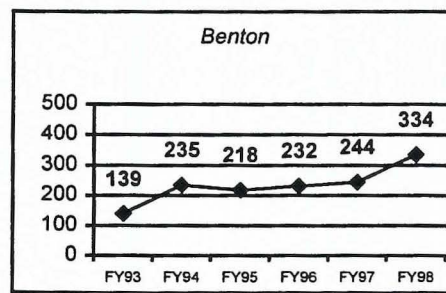
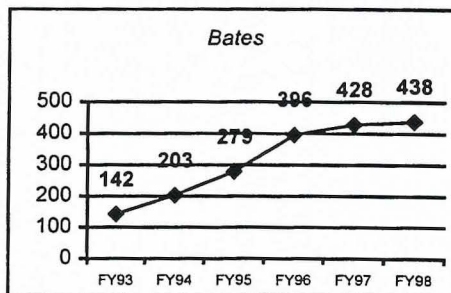
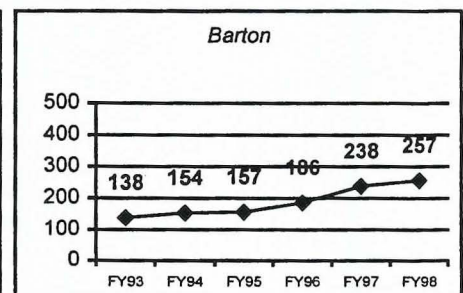
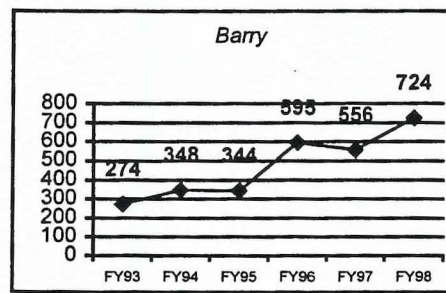
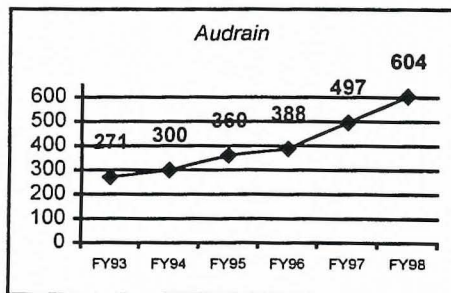
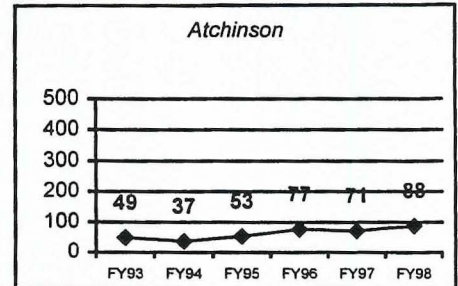
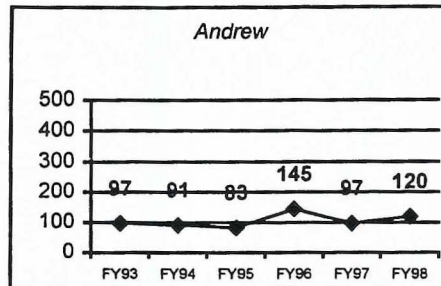
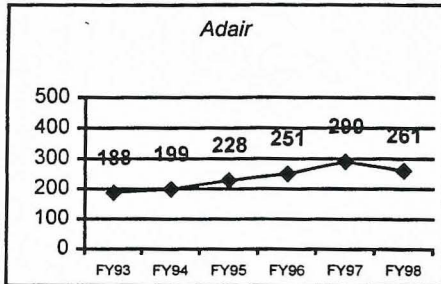


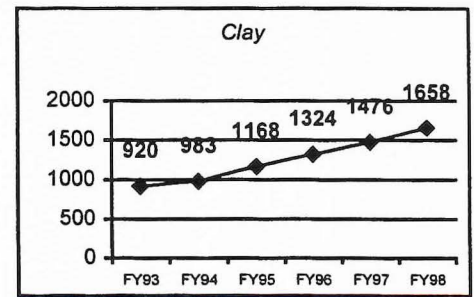
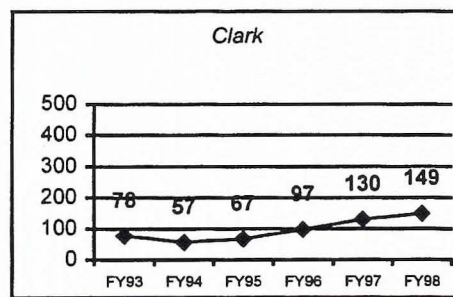
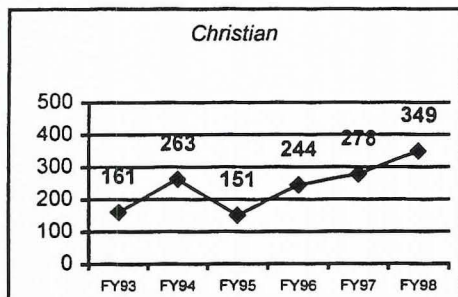
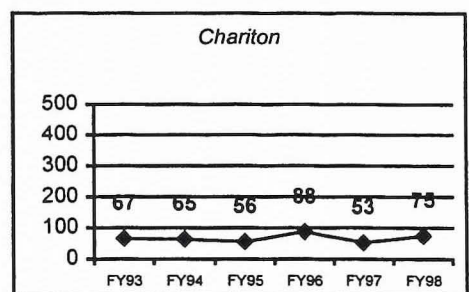
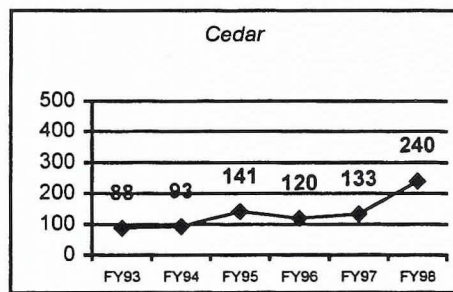
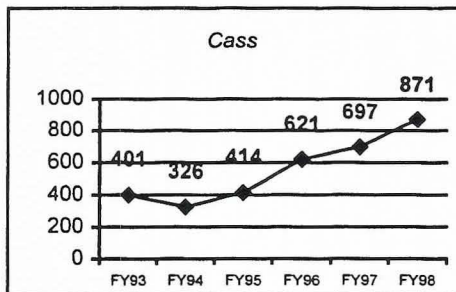
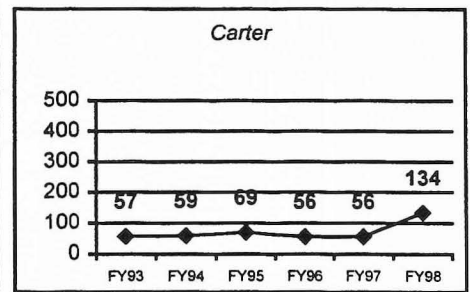
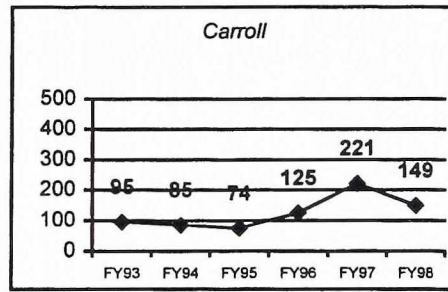
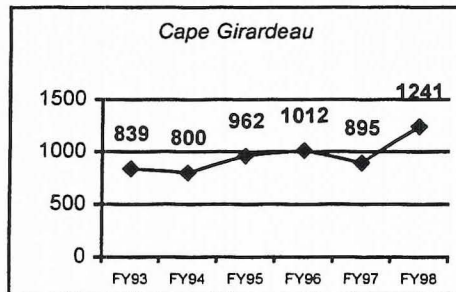
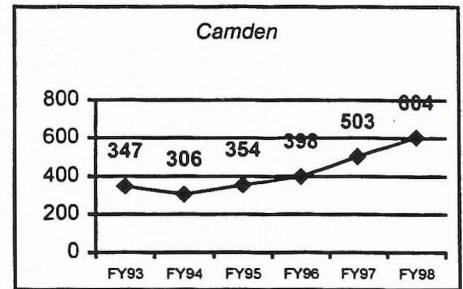
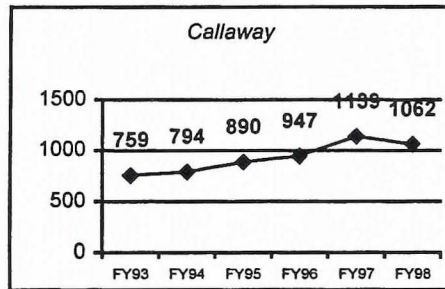
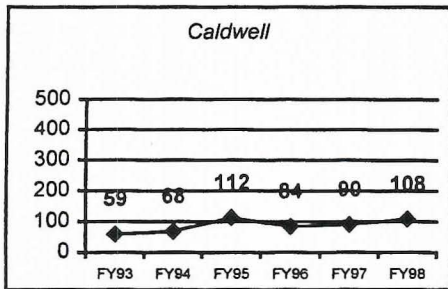
**Fiscal Year 1998 - Trial Division Caseload  
Assigned and Disposed by County**

County	FY98 Assigned	FY98 Disposed	County	FY98 Assigned	FY98 Disposed	County	FY98 Assigned	FY98 Disposed	County	FY98 Assigned	FY98 Disposed
Adair	269	261	Dallas	207	187	Livingston	425	433	Randolph	522	460
Andrew	141	120	Daviess	186	164	Macon	251	241	Ray	312	275
Atchinson	98	88	DeKalb	199	199	Madison	83	76	Reynolds	31	36
Audrain	577	604	Dent	183	183	Maries	90	66	Ripley	242	353
Barry	793	724	Douglas	214	209	Marion	615	613	Saline	402	374
Barton	241	257	Dunklin	841	1,046	McDonald	591	561	Schuyler	44	47
Bates	471	438	Franklin	1,177	1,114	Mercer	86	79	Scotland	33	25
Benton	353	334	Gasconade	173	147	Miller	265	228	Scott	575	602
Bollinger	89	90	Gentry	35	33	Mississippi	382	425	Shannon	72	84
Boone	3,538	3,091	Greene	1,811	1,869	Moniteau	93	83	Shelby	153	151
Buchanan	2,111	1,952	Grundy	158	163	Monroe	85	89	Ste. Genevieve	135	145
Butler	1,095	1,780	Harrison	210	172	Montgomery	105	111	Stoddard	431	489
Caldwell	128	108	Henry	1,072	985	Morgan	195	128	Stone	531	497
Callaway	1,063	1,062	Hickory	82	75	New Madrid	408	538	St. Charles	1,856	1,807
Camden	647	604	Holt	77	78	Newton	800	765	St. Clair	266	249
Cape Girardeau	1,242	1,241	Howard	69	65	Nodaway	196	187	St. Francois	785	803
Carroll	176	149	Howell	468	476	Oregon	143	144	St. Louis City	9,804	10,382
Carter	62	134	Iron	139	148	Osage	69	55	St. Louis Co.	4,427	4,025
Cass	931	871	Jackson	9,761	8,818	Ozark	136	121	Sullivan	50	44
Cedar	244	240	Jasper	2,454	2,362	Pemiscot	687	765	Taney	581	522
Chariton	78	75	Jefferson	1,288	1,280	Perry	189	191	Texas	219	177
Christian	379	349	Johnson	338	303	Pettis	536	468	Vernon	375	392
Clark	161	149	Knox	13	11	Phelps	784	656	Warren	328	320
Clay	1,752	1,658	Laclede	717	708	Pike	225	185	Washington	421	369
Clinton	195	165	Lafayette	565	488	Platte	571	564	Wayne	184	303
Cole	1,078	1,031	Lawrence	623	531	Polk	315	333	Webster	242	274
Cooper	126	121	Lewis	72	89	Pulaski	540	564	Worth	24	23
Crawford	356	367	Lincoln	565	503	Putnam	81	68	Wright	235	201
Dade	110	117	Linn	177	138	Ralls	106	113			
										74,710	73,003

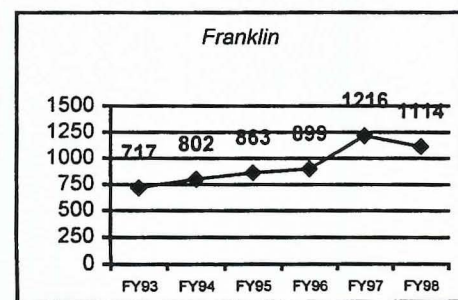
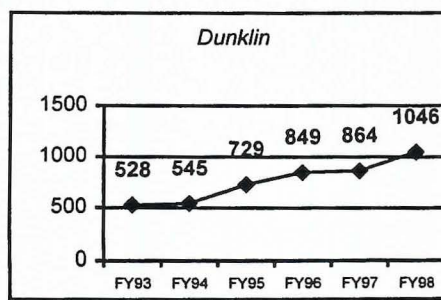
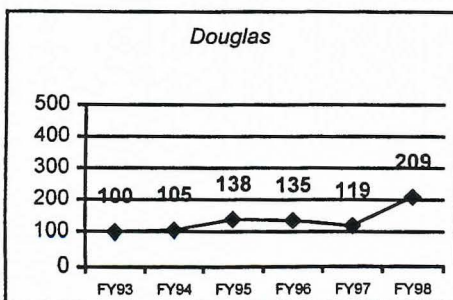
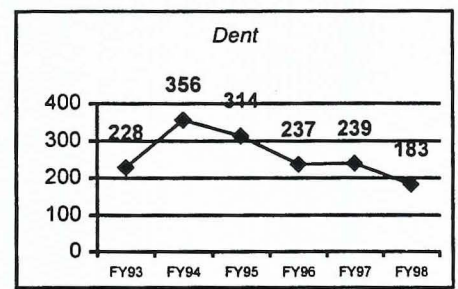
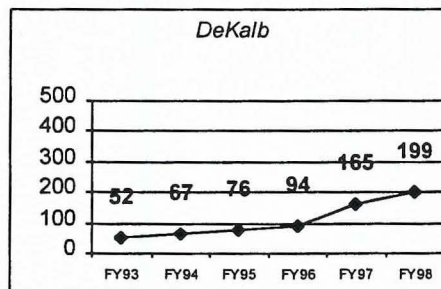
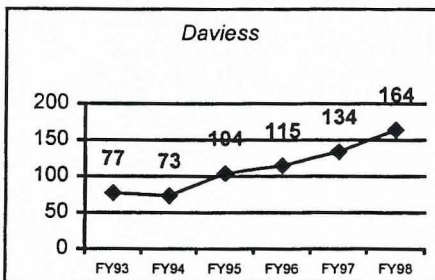
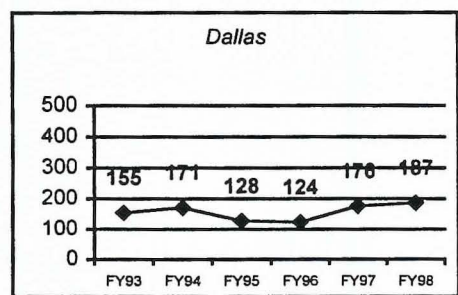
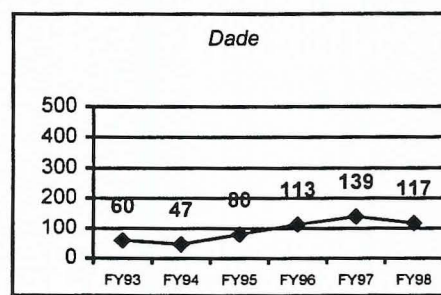
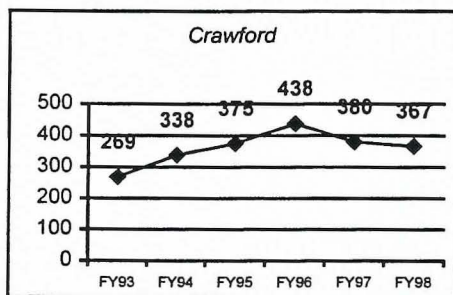
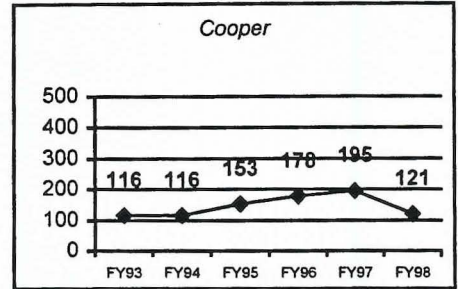
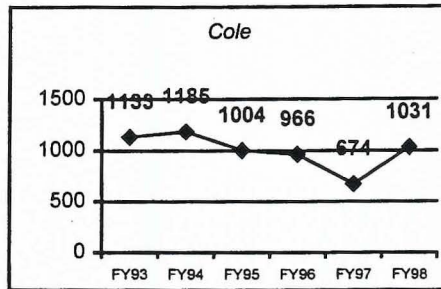
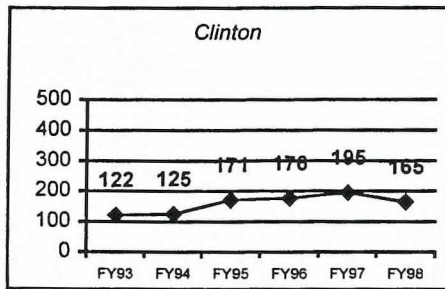


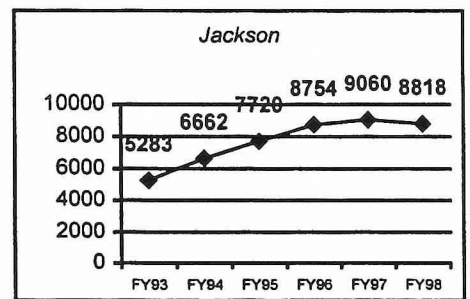
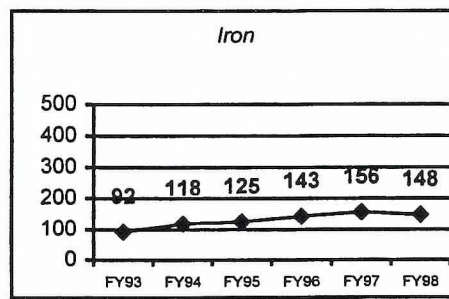
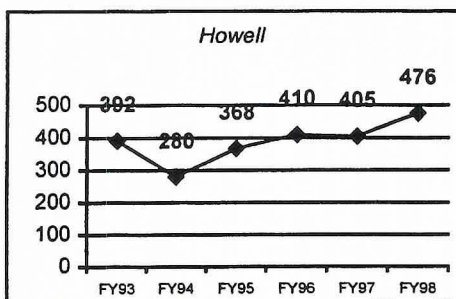
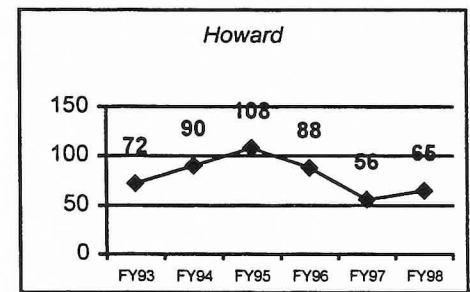
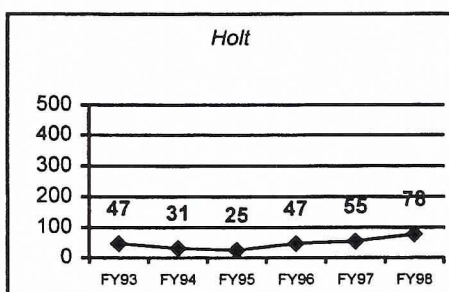
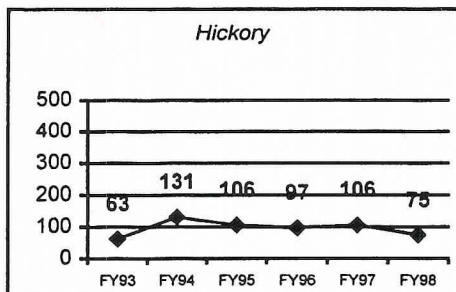
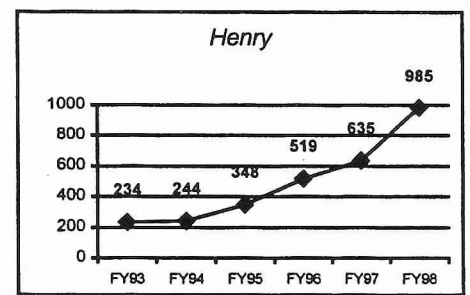
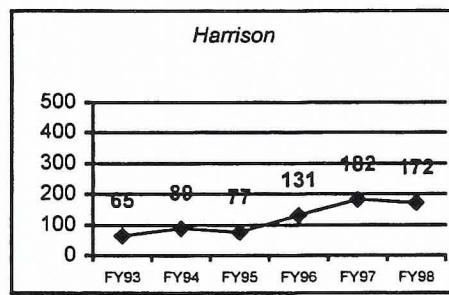
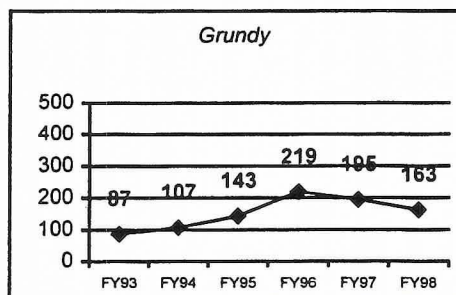
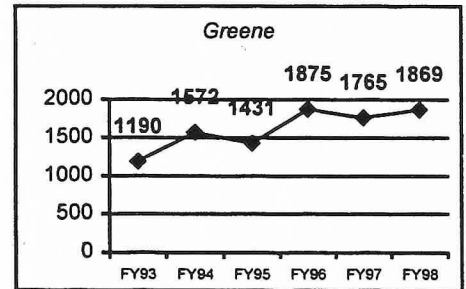
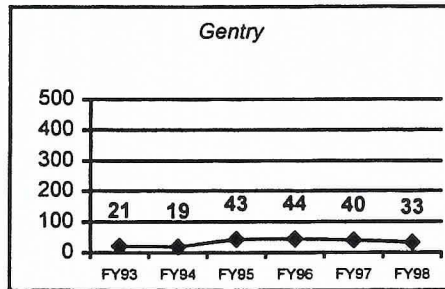
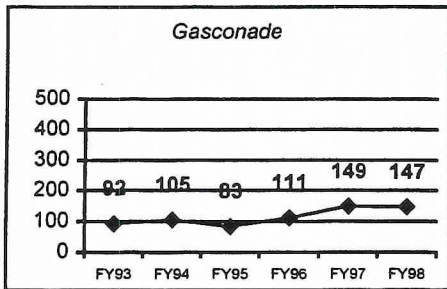
# FISCAL YEAR COMPARISON TRIAL DIVISION CASELOAD CLOSED CASES - BY COUNTY



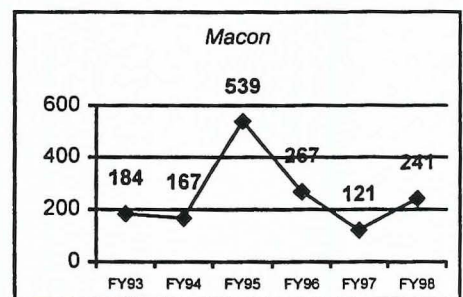
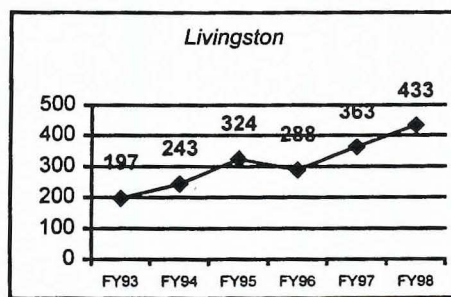
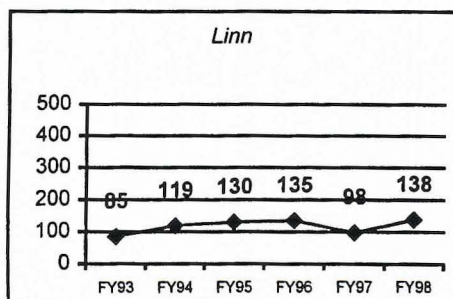
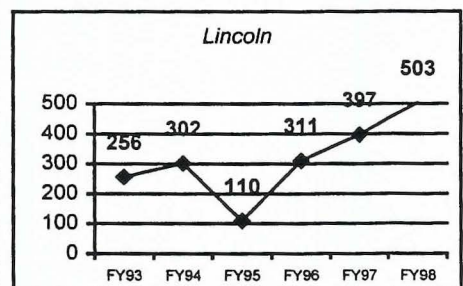
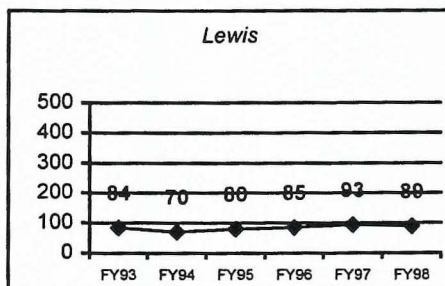
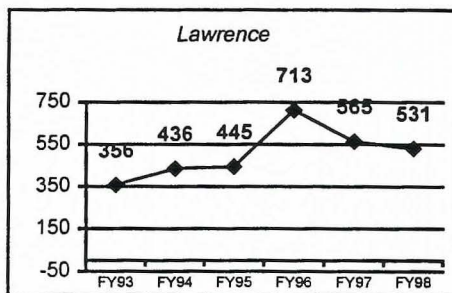
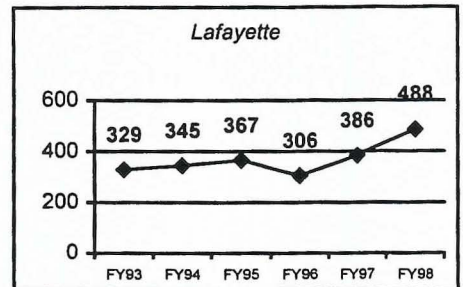
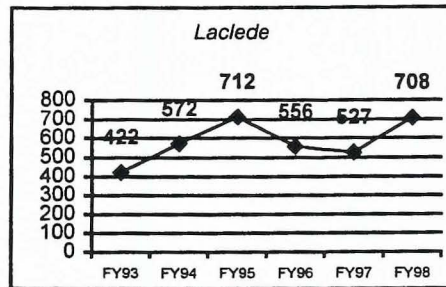
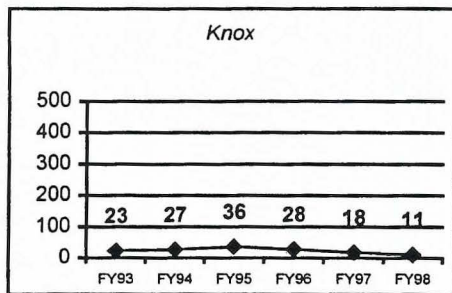
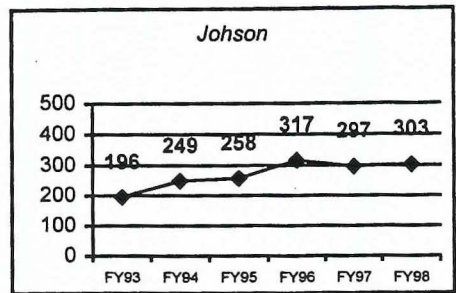
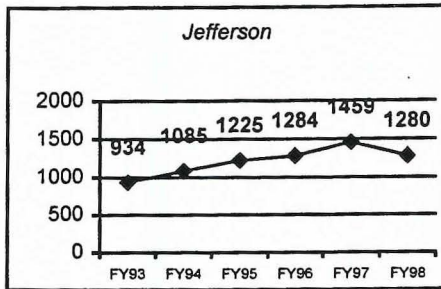
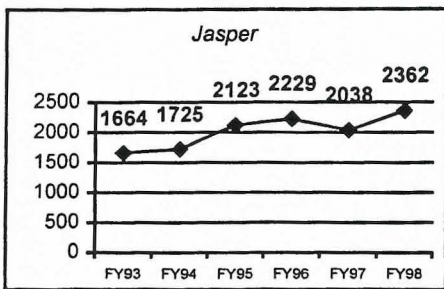


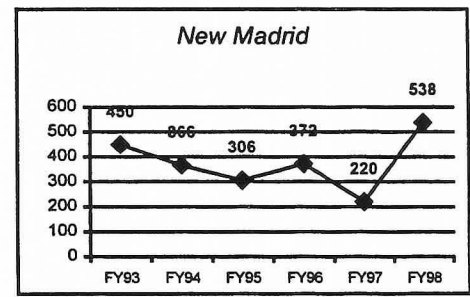
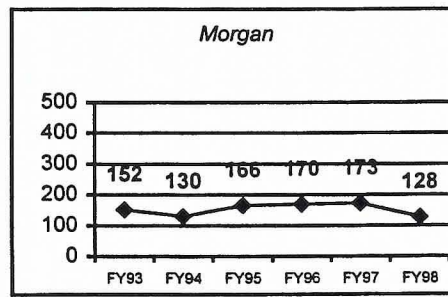
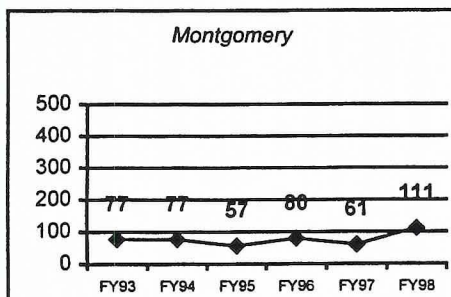
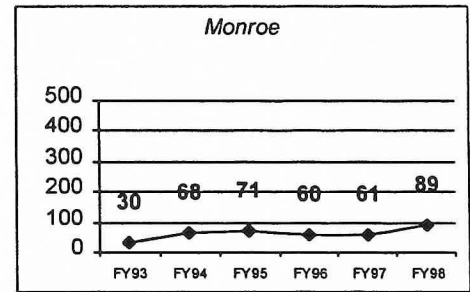
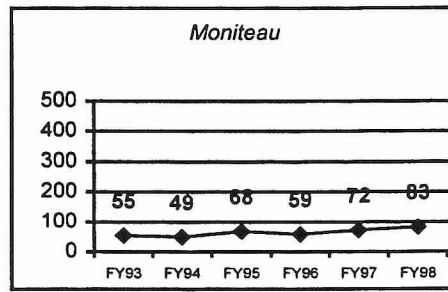
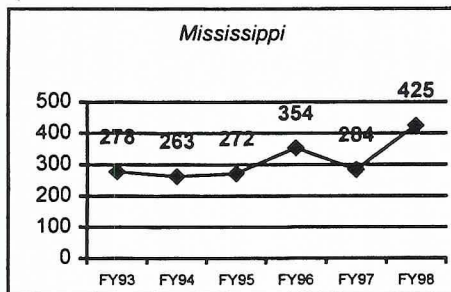
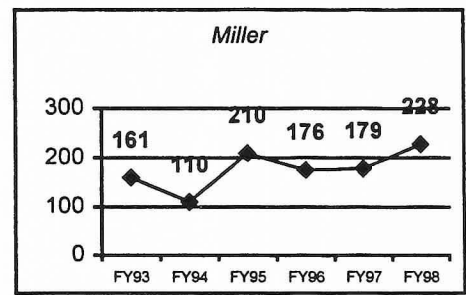
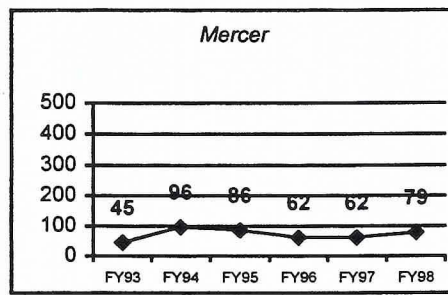
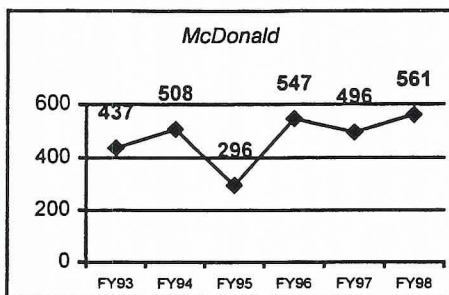
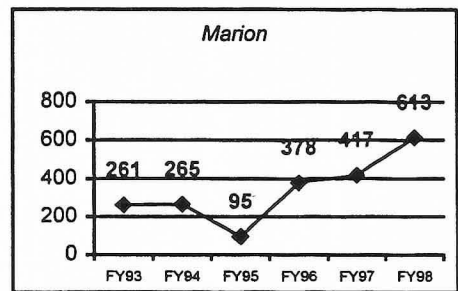
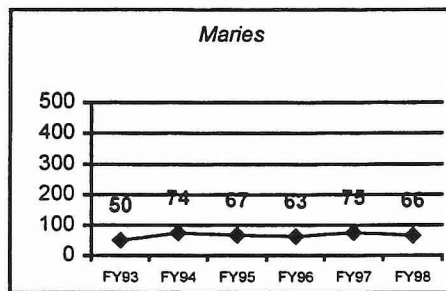
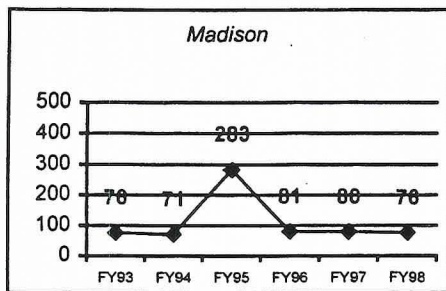




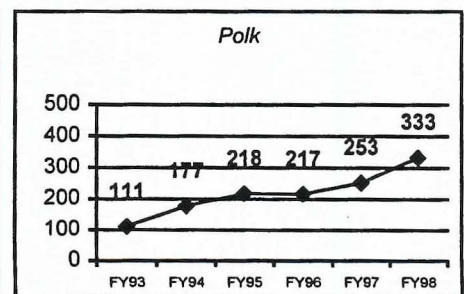
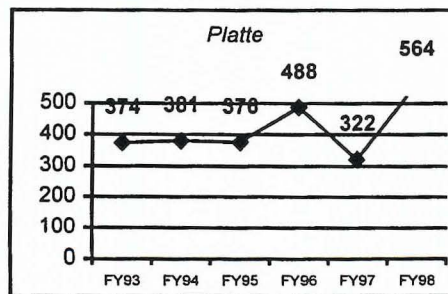
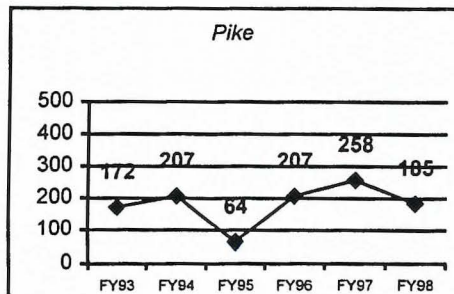
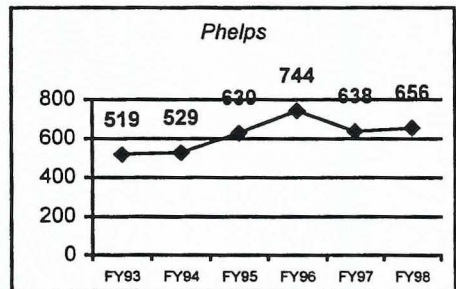
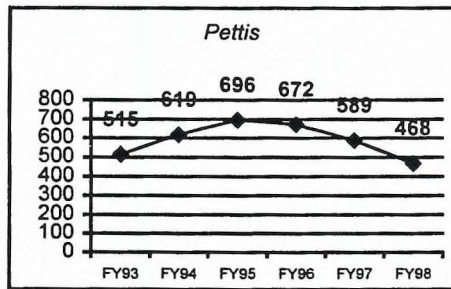
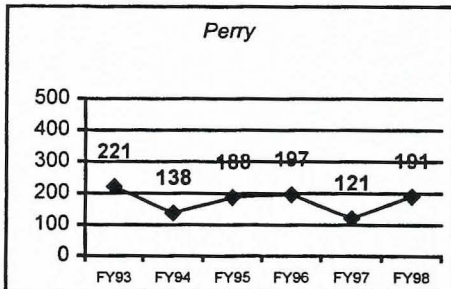
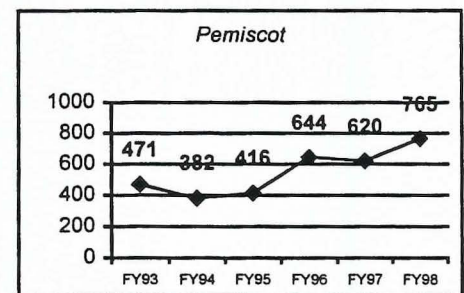
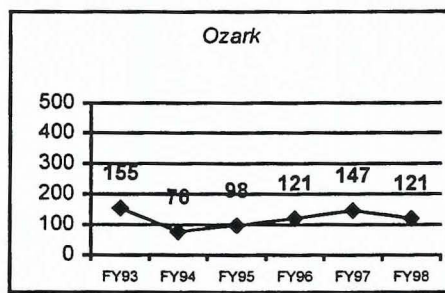
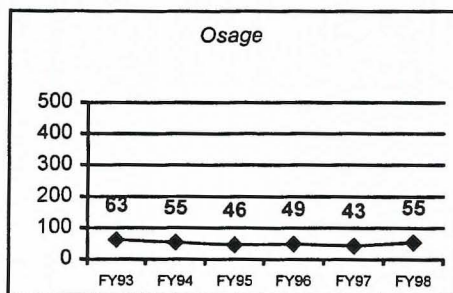
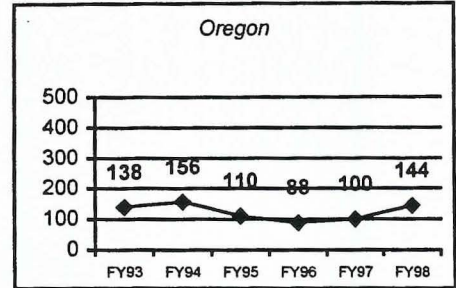
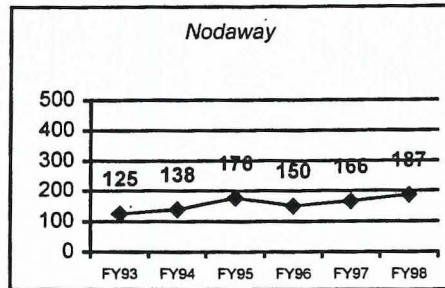
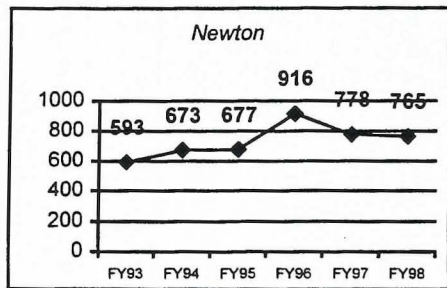


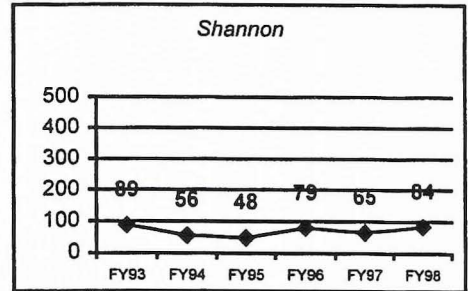
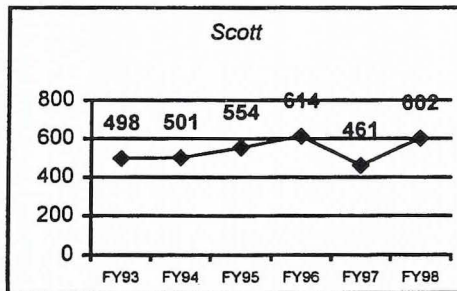
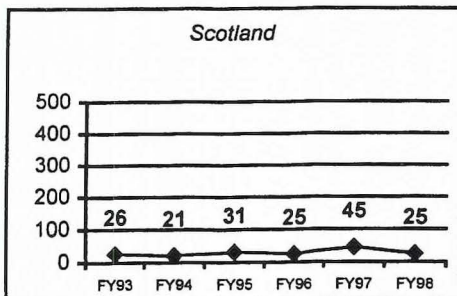
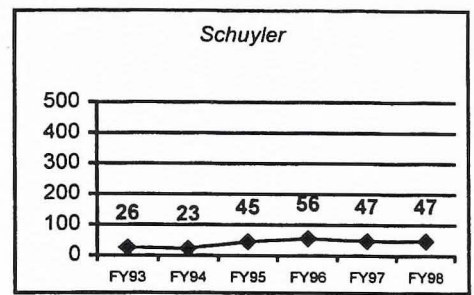
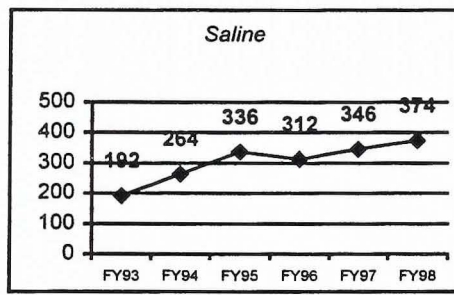
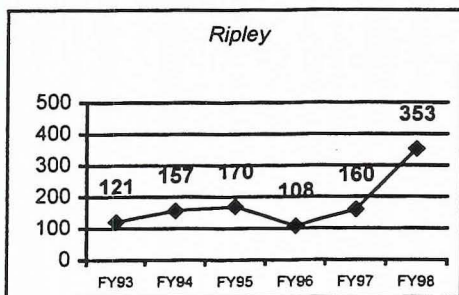
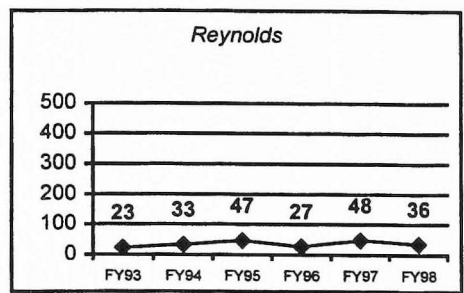
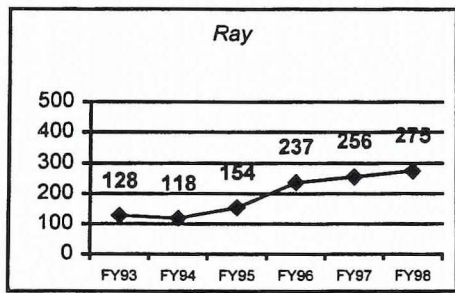
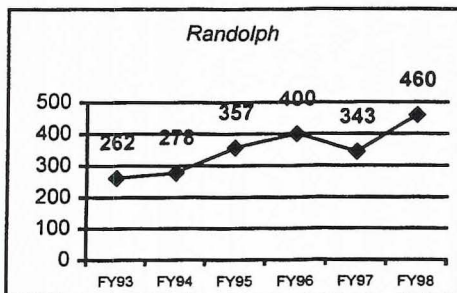
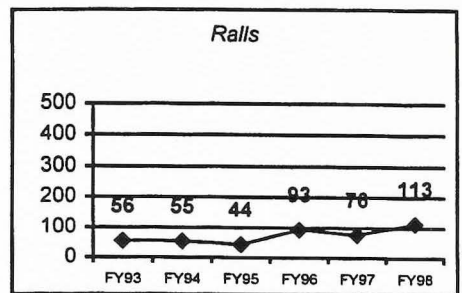
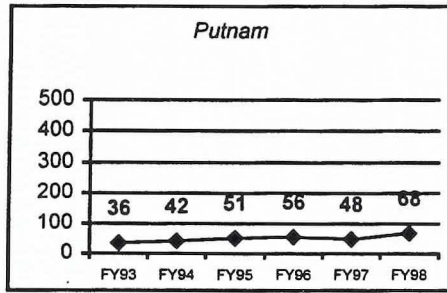
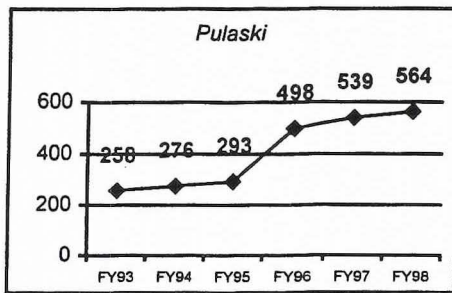




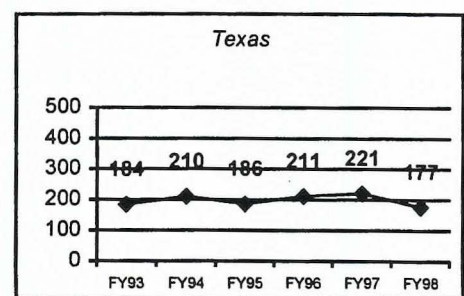
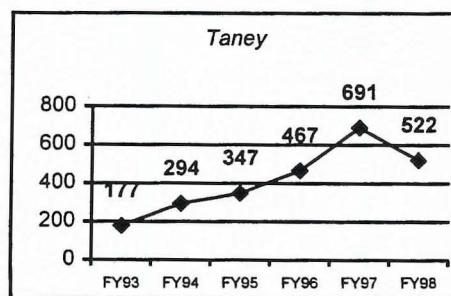
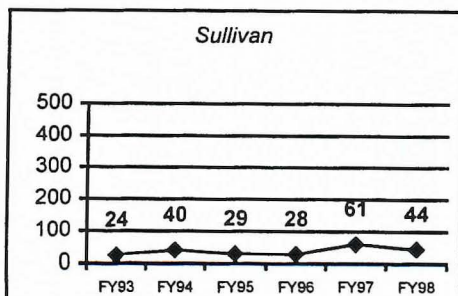
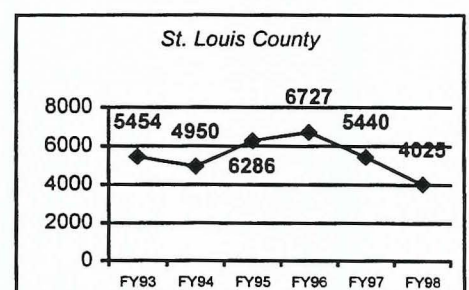
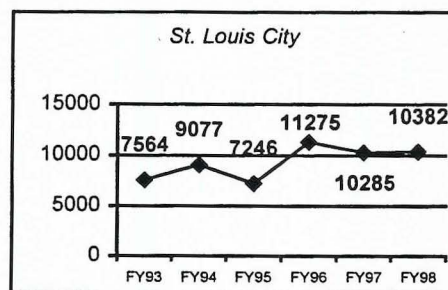
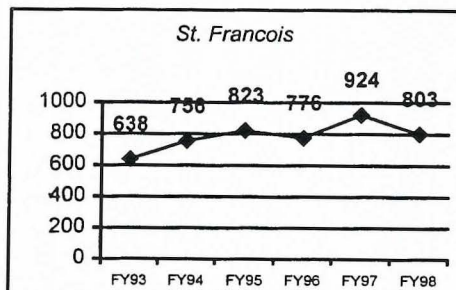
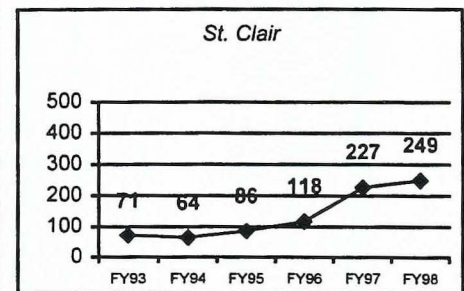
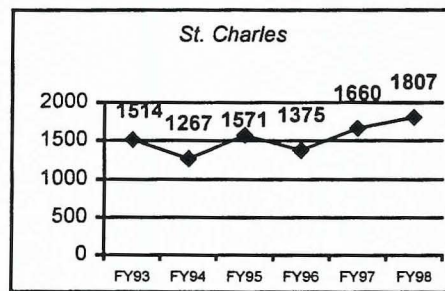
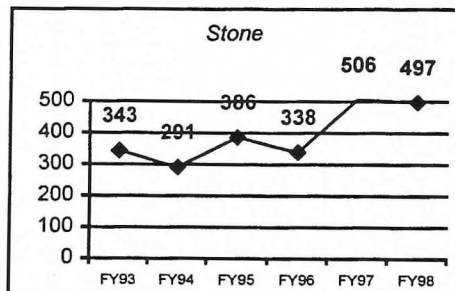
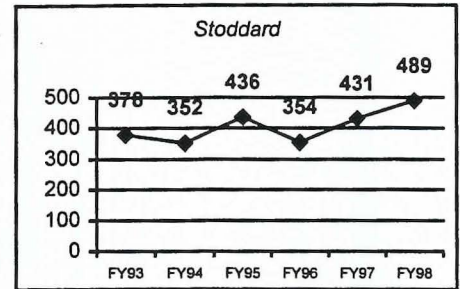
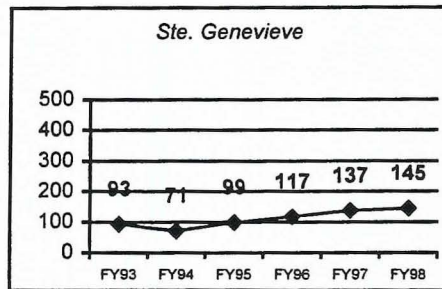
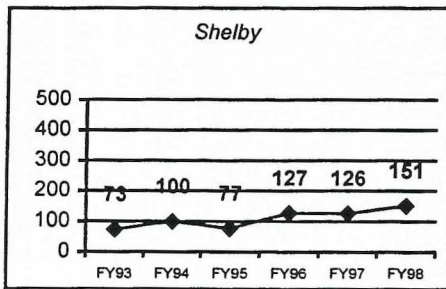


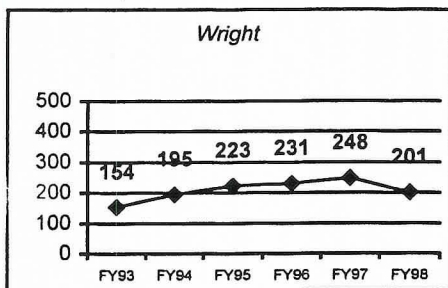
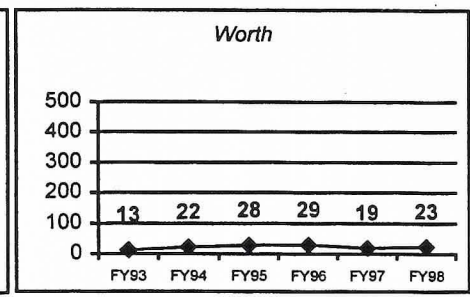
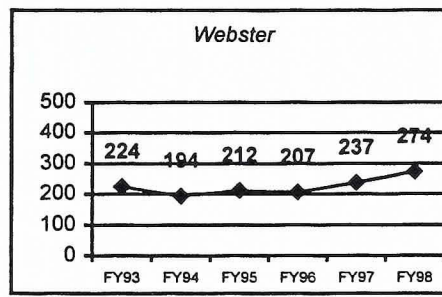
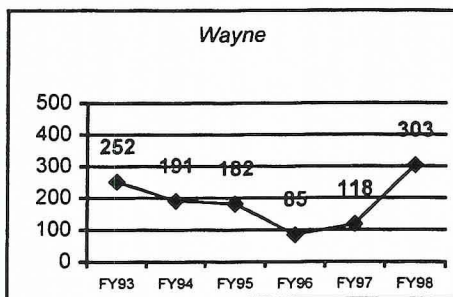
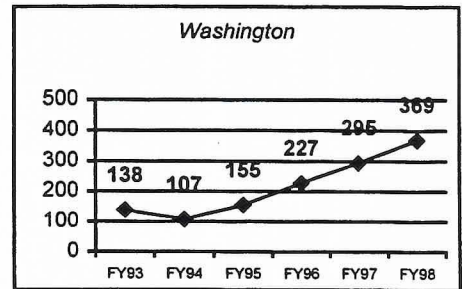
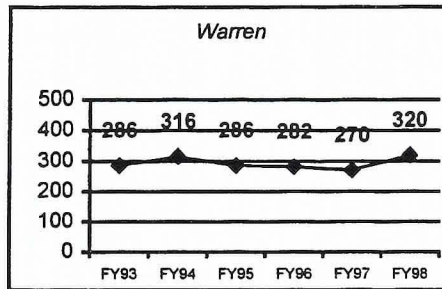
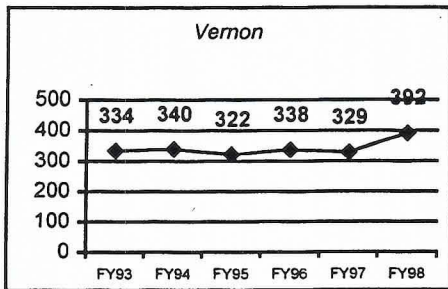














## 2. Cases Closed

### Cost of Cases Closed

The average cost of All cases assigned to the State Public Defender system (including Death Penalty Representation) in Fiscal Year 1998 was \$228.87. The Trial Division average was \$175.64. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in 1981.

### FISCAL YEAR – TRIAL DIVISION COSTS PER CASE

District	Location	Current District Defender	Total Costs For District	FY98 Assigned	Cost Per Assignment	FY98 Disposed	Cost Per Disposition
1	Juvenile	Cathy DiTraglia	\$402,899.91	1,626	\$247.79	1,445	\$278.82
2	Kirksville	Kirk Zwink	\$103,107.15	376	\$274.22	351	\$293.75
4	Maryville	Jeff Stephens	\$118,210.33	617	\$191.59	586	\$201.72
5	St. Joseph	Anthony Cardarella	\$333,831.87	2,071	\$161.19	1,903	\$175.42
7	Liberty	Katherine Ladesh	\$509,102.58	2,790	\$182.47	2,634	\$193.28
10	Hannibal	Raymond Legg	\$206,131.82	1,129	\$182.58	1,156	\$178.31
11	St. Charles	Christine Sullivan	\$428,777.28	2,085	\$205.65	2,033	\$210.91
12	Fulton	Michael Hamilton	\$240,750.05	1,667	\$144.42	1,703	\$141.37
13	Columbia	Robert Fleming	\$428,009.20	3,598	\$118.96	3,187	\$134.30
14	Moberly	Thomas Marshall	\$203,637.06	1,122	\$181.49	1,015	\$200.63
15	Sedalia	Kathleen Brown	\$266,141.37	1,921	\$138.54	1,696	\$156.92
16	Kansas City	Joel Elmer	\$1,458,001.82	9,496	\$153.54	8,572	\$170.09
17	Harrisonville	Chase Higinbotham	\$237,944.97	2,784	\$85.47	2,600	\$91.52
19	Jefferson City	Jan King	\$239,479.89	1,287	\$186.08	1,163	\$205.92
20	Union	Lisa Preddy Crane	\$170,047.31	1,331	\$127.76	1,241	\$137.02
21	St. Louis County	Shawn Goulet	\$1,307,833.66	4,333	\$301.83	4,054	\$322.60
22	St. Louis City	Michael Naccarato	\$1,636,926.01	7,745	\$211.35	8,322	\$196.70
23	Hillsboro	Lisa Clover	\$190,186.49	1,269	\$149.87	1,241	\$153.25
24	Farmington	Renee Murphy	\$251,693.61	1,575	\$159.81	1,533	\$164.18
25	Rolla	Charles Hoskins	\$306,844.66	2,147	\$142.92	1,984	\$154.66
26	Lebanon	Ruth Schulte	\$247,861.56	1,906	\$130.04	1,755	\$141.23
28	Nevada	Joe Zuzal	\$170,928.81	905	\$188.87	960	\$178.05
29	Joplin	Larry Maples	\$472,458.69	3,713	\$127.24	3,540	\$133.46
30	Buffalo	Jerry Montgomery	\$179,533.86	1,171	\$153.32	1,189	\$151.00
31	Springfield	Jon Van Arkel	\$388,093.13	2,536	\$153.03	2,447	\$158.60
32	Jackson	Kent Hall	\$369,092.09	2,459	\$150.10	2,544	\$145.08
34	Caruthersville	Karen Bolton	\$153,999.75	1,106	\$139.24	1,275	\$120.78
35	Kennett	Catherine Rice	\$171,512.29	1,265	\$135.58	1,542	\$111.23
36	Poplar Bluff	Wade Schuster	\$225,708.16	1,579	\$142.94	2,625	\$85.98
37	West Plains	Donna Anthony	\$132,681.74	656	\$202.26	663	\$200.12
39	Monnett	Victor Head	\$245,836.69	1,905	\$129.05	1,724	\$142.60
43	Chillicothe	David Miller	\$268,681.53	1,945	\$138.14	1,784	\$150.61
44	Ava	Brendan Maturen	\$134,392.48	616	\$218.17	547	\$245.69
45	Troy	Brian Zink	\$169,127.36	777	\$217.67	667	\$253.56
47	Springfield Conflict	Anna Lasswell	\$147,683.14	441	\$334.88	498	\$296.55
49	St. Louis Conflicts	Bevy Beimdiek	\$604,601.90	761	\$794.48	824	\$733.74

District 49 also does Appellate Work



# **FISCAL YEAR 1998 – APPELLATE DIVISION COSTS PER CASE**

District	Location	Current District Defender	Total Costs For District	FY98 Assigned	Cost Per Assignment	FY98 Disposed	Cost Per Disposition
50	Columbia Appellate	Craig Johnston	\$1,168,254.78	562	\$2,078.75	694	\$1,683.36
		Steve Harris					
51	St. Louis Appellate	Douglas Hoff	\$505,572.07	352	\$1,436.28	420	\$1,203.74
		Nancy Vincent					
52	Kansas City Appellate	Susan Hogan	\$403,929.02	370	\$1,091.70	342	\$1,181.08
		Andrew Schroeder					

# **FISCAL YEAR 1998 – CAPITAL DIVISION COSTS PER CASE**

District	Location	Current District Defender	Total Costs For District	FY98 Assigned	Cost Per Assignment	FY98 Disposed	Cost Per Disposition
53	Columbia Capital	Nancy McKerrow	\$915,590.51	15	\$61,039.37	17	\$53,858.27
54	St. Louis Capital	Robert Wolfrum	\$904,877.86	13	\$69,605.99	12	\$75,406.49
55	Kansas City Capital	Cynthia Short	\$380,566.95	7	\$54,366.71	6	\$63,427.83



### Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although, the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require an trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocation hearings and preliminary hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition. Some cases require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri's Public Defenders and support staff.

FY98 Trial Division Closed Cases By Disposition Type		
Disposition Type	Description	# of Cases Closed
01	Withdrawn	9,143
02	Dismissed/Withdrawn	12,017
03	NGRI	60
04	Guilty Plea	36,926
05	Court Trial	327
06	Jury Trial	491
07	Hearing	216
10	Juvenile Hearing	1,177
11	Certification Hearing	106
12	Juvenile Informal Hearing	224
20	Chapter 552	90
25	Probation Violation Hearing	11,094
30	Writ Granted or Denied	11
35	Appeal Decision	30
41	Conflict Transfer	1,091
	Total	73,003

# Cost of the State Public Defender System

## HOUSE BILL NO. 12 89TH GENERAL ASSEMBLY FY98

### Section 12.300. To the Office of State Public Defender

For the purpose of funding the Office of the Director  
Personal Service 5308/56447-----\$621,384  
Expense & Equipment 5309/56448-----157,385  
From General Revenue Fund -----778,769  
  
Personal Service 1404/74532-----19,242  
Expense & Equipment 1405/74533-----2,353  
From Legal Defense and Defender Fund -----21,595  
Total (Not to exceed 20 F.T.E.)-----\$800,364

### Section 12.305. To the Office of State Public Defender

For the purpose of funding local offices  
Personal Service 9707/69343-----\$16,534,162  
Program Specific 4005/90253 -----224,999  
Expense & Equipment 9708/69344-----3,338,166  
From General Revenue Fund -----20,097,327  
  
Personal Service 3020/80020  
From Federal Funds-----30,611  
  
Expense & Equipment 3021/80021  
From Legal Defense and Defender Fund -----20,163  
Total (Not to exceed 487.13 F.T.E.) -----20,148,101

### Section 12.310. To the Office of State Public Defender

For the purpose of funding all grants and contributions  
from the federal government or from any other source  
which may be deposited in the State Treasury for the  
use of the Office of the State Public Defender  
From Federal Funds 4006/90254 -----125,000

### Section 12.315. To the Office of State Public Defender

For the State Public Defender System  
For the purpose of funding expenses authorized by the  
Public Defender Commission as provided by Section  
600.090 RSMo  
Personal Service 0951/72823-----30,984  
Expense & Equipment 7673/63783-----760,000  
  
From Legal Defense and Defender Fund  
(Not to exceed 1 F.T.E.) -----736,984

### Section 12.320. To the Office of State Public Defender

For the State Public Defender System  
For the purpose of funding the payment of expenses as  
provided by Chapter 600 RSMo associated with the  
defense of homicide cases and/or the defense of  
cases conflict of interest exists  
Expense & Equipment  
From General Revenue Fund 8727/67095---2,059,850

### Section 12.325. To the Office of State Public Defender

For the State Public Defender System  
For the payment of refunds set-off against debts as  
required by Section 143.796 RSMo  
From Debt Offset Escrow Fund (0 F.T.E.)  
0753/3023/80023 -----350,000

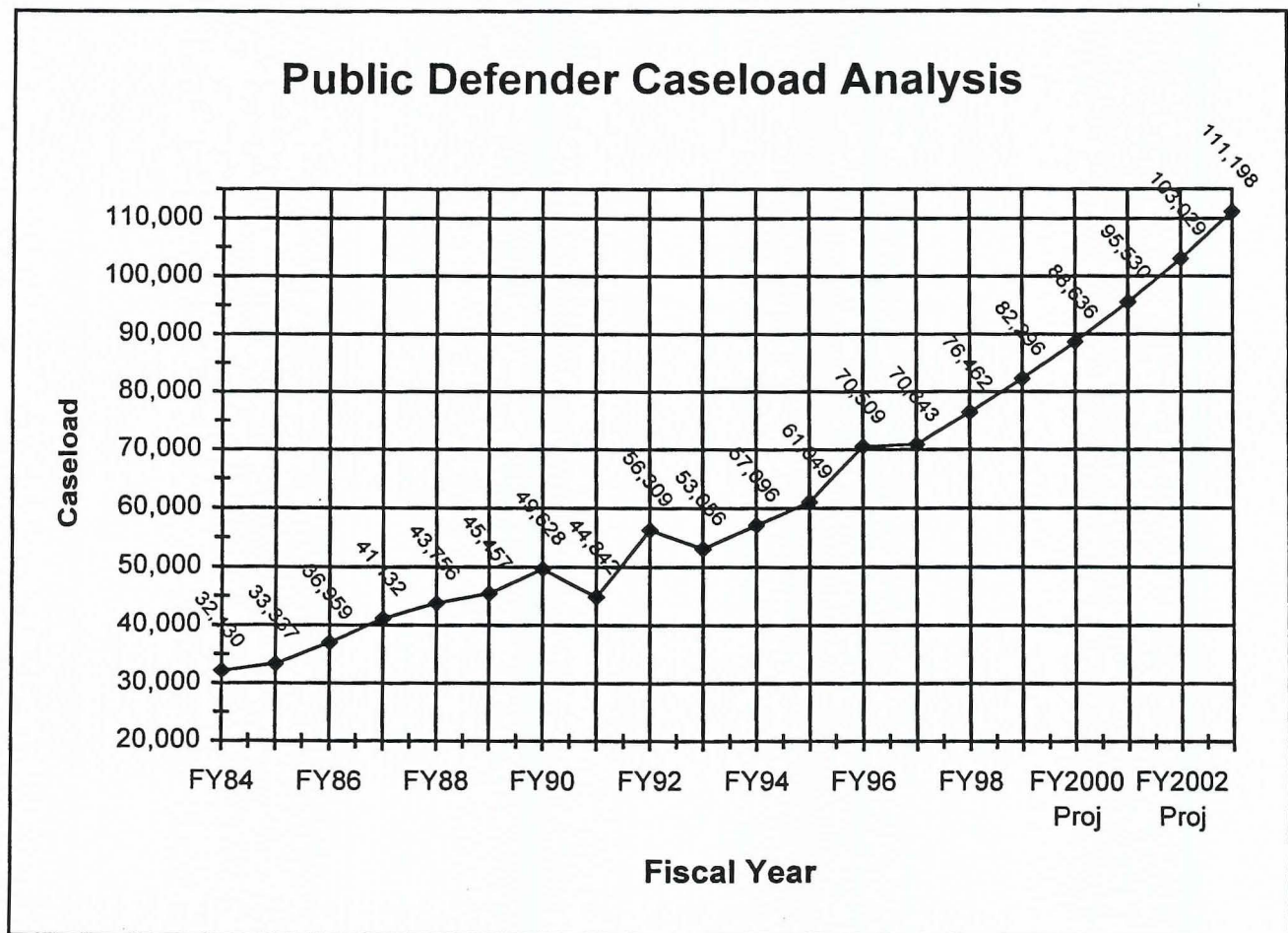
### Section 13.135. To the Office of State Public Defender

For the payment of real property leases, related services  
utilities and systems furniture ; and structural  
modifications for new FTE -----  
From General Revenue Fund 151/4031/90691 ----558,097



### Caseload Increase

An analysis of the caseload of the State Public Defender system shows a continued increase. In FY98, the State Public Defender System handled 76,462 newly assigned cases. The projection for FY99 is 82,296 and for FY2000 is 88,636. By fiscal year 2003, it is projected that the State Public Defender System will be responsible for representation in over 111,198 criminal cases.



August 1998

**Missouri State Public Defender System**

	1st Degree Murder	Other Homicide	Murder + Felony		Misdemeanor	Juvenile	PCR	Other	Probation Violations	Appeals	Total Assigned	Total Disposed	Disposed/ Assigned Ratio
			Felony	Caseload									
FY03 PROJECTION	221	126	41,663	42,011	36,755	4,951	939	102	25,559	881	111,198	101,988	0.9172
FY02 PROJECTION	216	117	39,420	39,753	33,940	4,806	878	108	22,705	839	103,029	95,778	0.9296
FY01 PROJECTION	211	109	37,297	37,617	31,340	4,666	822	115	20,171	799	95,530	89,946	0.9415
FY00 PROJECTION	206	101	35,289	35,596	28,940	4,530	769	122	17,919	760	88,636	84,469	0.9530
FY99 PROJECTION	201	94	33,389	33,683	26,723	4,398	720	130	15,918	724	82,296	79,325	0.9639
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876



### Legislative Recommendations

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1989, a major reorganization of the state public defender system did away with the private contract counsel system. In fiscal years 1990 and 1991, the Missouri State Public Defender System greatly expanded its number of local offices and replaced the previous contract system in its entirety. Although this reorganization greatly changed the number of local offices, the manner of funding office rent and utilities for these offices was not changed.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

The problem is sure to get worse in the future. Projecting a conservative 8% increase in caseload, Missouri's Public Defender System will handle over 100,000 cases by the 2002. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed.

In summary, the physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency, while other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo 600.040.1. The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. That need is simply not being met under the current statutory scheme.



### Alternative Sentencing Program

The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, could result in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution.

<b>Alternative Sentencing FY98 Caseload Statistics</b>	
Sentencing with Full Alternative Sentencing Plans	310
Referrals	74
Inactive Dispositions	107
Mitigation Reports	21
Rejected Referrals	31
Deferred Cases	98
Total Cases of rFY98	641

### Client Profiles

To assure client confidentiality, the following are composite profiles representative of typical alternative sentencing clients served by the program:

#### Tommy

A 22 year old man, diagnosed with paranoid schizophrenia, tried to self medicate with street drugs. Homeless, addicted and with a history of severe physical abuse as a child, he had grown up in a series of foster placements and ultimately, Division of Youth Services. Placed on probation for a drug possession charge, Tommy was unable to follow reporting directives due to his illness and lack of stability. Tommy was arrested on a drug sale charge, after responding to an undercover officer who had asked where they could buy some crack. Hungry and cold, Tommy eagerly showed the man the local drug house, figuring he would get a few dollars from the dealer for his efforts. After all, he hadn't eaten in a couple of days and his voices told him it was okay. Now facing prison time, Tommy was referred by his attorney to alternative sentencing. A comprehensive treatment plan was developed for Tommy, combining a structured residential placement where he would receive medication and substance abuse treatment as well as linking him with supported employment, someplace he could stay for the duration of his probation. Tommy now shows visitors his room instead of the drug house.

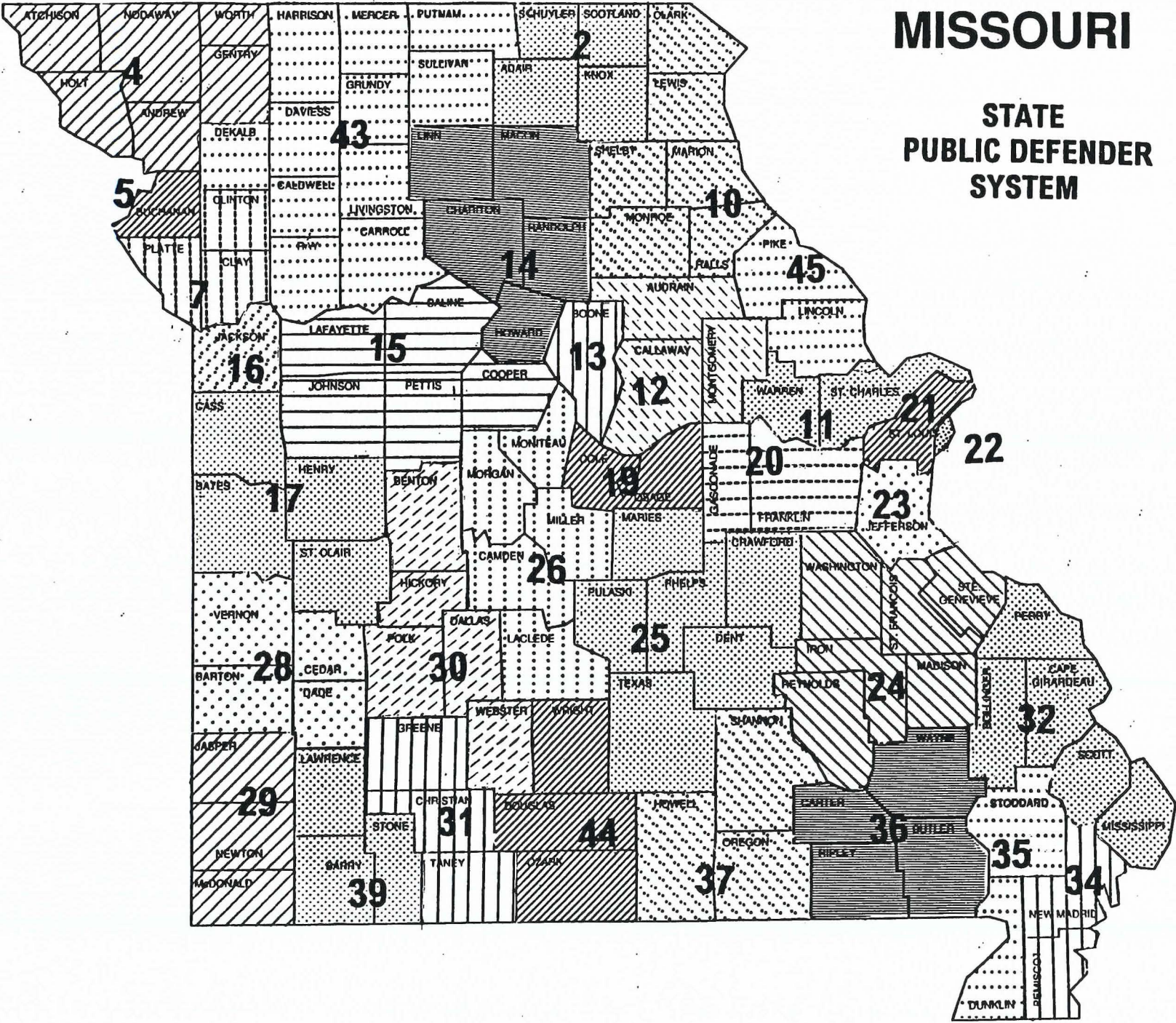
## Katie

A shy woman, Katie can neither read nor write. She can't make change either. Growing up, Katie was always called "stupid" and "slow". Her stepfather repeatedly told her she was worthless, usually after sexually molesting her. She ran away at fourteen and lived with a drug dealer. As Katie said, "he was okay, he only hit me a little." He taught Katie how to steal, but she wasn't very good at it. She kept getting caught. When the police arrested Katie, she was too ashamed to tell them she didn't read or write and that she really didn't understand what they were saying to her. This time, Katie was facing felony stealing charges for taking some underwear, toothpaste and candy bars from the local discount store, due to her prior charges. Her attorney, realizing that Katie was "a little slow" sent her to alternative sentencing. Katie was referred for complete testing and it was found she was Moderately Mentally Retarded, with a full scale I.Q. of 47. Alternative sentencing developed a habilitation plan for Katie that included supervised living arrangements, sheltered employment and life skills training, as well as individual counseling to help her deal with her past abuse and advocated for deferred prosecution of her case.



# MISSOURI

## STATE PUBLIC DEFENDER SYSTEM





**MISSOURI STATE  
PUBLIC DEFENDER COMMISSION**

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### **Area 10 -- Clark, Lewis, Marion, Monroe, Ralls, Shelby Counties**

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**Area 14 -- Chariton, Howard, Linn, Macon,  
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**Area 17 -- Bates, Cass, Henry, St. Clair Counties**

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**Area 20 -- Franklin, Gasconade Counties**

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**Area 25 -- Crawford, Dent, Maries, Phelps, Pulaski,  
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**Area 26 -- Camden, Laclede, Miller, Moniteau,  
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**Area 28 -- Barton, Cedar, Dade, Vernon Counties**

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**Area 29 -- Jasper, McDonald, Newton Counties**

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**Area 30 -- Benton, Dallas, Hickory, Polk,  
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**Area 31 -- Christian, Greene, Taney Counties**

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**Area 32 -- Bollinger, Cape Girardeau, Mississippi,  
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**Area 34 -- New Madrid, Pemiscot Counties**

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**Area 35 -- Dunklin, Stoddard Counties**

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**Area 36 -- Butler, Carter, Ripley, Wayne Counties**

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**Area 37 -- Howell, Oregon, Shannon Counties**

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**Area 43 -- Caldwell, Carroll, Daviess, DeKalb,  
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**Area 44 -- Douglas, Ozark, Wright Counties**

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**Area 45 -- Lincoln, Pike Counties**

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**Area 47 -- Greene County (OFFICE CLOSED 9/1/98)**

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## **ALTERNATIVE SENTENCING**

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## **CAPITAL LITIGATION DIVISION**

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